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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/700,626	11/17/2000	Wolfgang Hultsch	0112740-113	8129
29177	7590	04/19/2005	EXAMINER	
BELL, BOYD & LLOYD, LLC			DUONG, DUC T	
P. O. BOX 1135			ART UNIT	
CHICAGO, IL 60690-1135			PAPER NUMBER	
			2663	

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. ☒

09/700,626

Applicant(s)

HULTSCH, WOLFGANG

Examiner

Duc T. Duong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17 is/are allowed.
- 6) ☒ Claim(s) 9-11 and 13-16 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 9, 14, and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Tamura et al (US Patent 6,671,289 B1).

Regarding to claims 9, and 14, Tamura discloses an apparatus for real-time transmission of compressed data (fig. 1B), comprising a receiving unit 8 (fig. 1B col. 13 lines 16-19) for receiving useful data and filling data (fig. 30A-B col. 1 lines 36-39) which arrive as a data stream with a constant rate via circuit-switched connection (transmission through ISDN network 7 used a constant rate) of a first communication network 7 (fig. 1A-B col. 11 lines 55-60); a control unit 9 (fig. 1B) for removing the filling data contained in the data stream with the constant rate and for reformatting the useful data contained in the data stream with the constant rate (fig. 30A-B col. 1 lines 39-41;

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noted the disassembler 13 function is similar to the control unit 9 function); and a sending unit 11 for sending the reformatted useful data as a data stream with a variable data rate via packet-oriented connection of a second communication network (fig. 1B col. 11 lines 41-47; noted the sending unit 11 sends the reformatted data in packet format, which has a variable rate).

Regarding to claim 15, Tamura discloses the apparatus is connected between a line-connected communications network 7 and a mobile communication network (fig. 1A-B col. 13 lines 41-46).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10, 11, 13, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tamura in view of Zhang et al (US Patent 6,181,711 B1).

Regarding to claims 10 and 16, Tamura discloses all the limitations with respect to claims 9 and 14, including transmission of useful compressed data (col. 42 lines 12-18). However, Tamura fails to teach the compressed useful data is video data. However, Zhang discloses a system and method for transporting compressed video data (fig. 2A col. 6 lines 20-22). Thus, it would have been obvious to a person of ordinary skill in the art to employ a transmission of compressed video data as taught by

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Zhang in Tamura's system to provides multimedia applications such as video conferencing.

Regarding to claim 11, Tamura discloses all the limitations with respect to claim 9, except for communicating quality data for identifying transmission quality of the packet-oriented connection to the second communications network. However, Zhang discloses a system and method for transporting compressed video data, wherein bit rate (quality data) conversion is used to identify a transmission rate for the compressed video data (fig. 8 col. 14 lines 47-52). Thus, it would have been obvious to a person of ordinary skill in the art to employ a bit rate conversion as taught by Zhang in Tamura's system to ensures the transmission rate fit into the available channel capacity.

Regarding to claim 13, Tamura discloses all the limitations with respect to claim 9, except for using a quality factor of a transmission channel used for the data stream with the variable data rate for identifying the transmission quality. However, Zhang discloses a system and method for transporting compressed video data, wherein the channel capacity (transmission channel quality factor) is used as a factor in determining the transmission rate for the compressed video data. Thus, it would have been obvious to a person of ordinary skill in the art to employ a channel capacity factor as a transmission quality to allows a logical sharing of the same channel bandwidth.

Allowable Subject Matter

6. Claims 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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7. Claim 17 is allowed.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach or make obvious the step of or means for **“said variable data rate corresponds to a variable transmission bandwidth available for the subscriber connection”**, when such variable rate is considered within the specific structure of the method recited in claim 17.

Conclusion


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Duong whose telephone number is 571-272-3122. The examiner can normally be reached on M-F (9:00 AM-5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Q. Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DD

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RICKY NGO
PRIMARY EXAMINER

4/18/05